IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13056 of 2004

Between:

P.Babu Rao, S/o Sri Chittaiah, Sri Kandukuri Veeresalingam Theistic College, Rajahmundry, R/o 46-11-5, Betchavadi Street, Danavaipet, Rajahmundry

..... PETITIONER

AND

1 The Director of Collegiate Education, Government of A.P.,

Hyderabad
2 The Regional Joint Director of Collegiate Education,

Government of A.P., Rajahmundry
3 The Correspondent, Sree Kandukuri Veeresalingam, Theistic

College, Ananda Gardens, Danavaipet, Rajahmundry
4 The Principal, Sree Kandukuri Veeresalingam Theistic College,

Ananda Gardens, Danavaipet, Rajahmundry
5 G.Kotamma, D/o Prasada Rao, R/o S.N.P.Agraharam,

Vinnakotavar Street, Near Vasu Memorial Elementary School,
Bapatla, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned Proceedings Rc.No.467/Adm.III-3/02 dated 21-7-2004 passed by the Respondent No.1 directing the 3rd respondent herein to issue appointment orders in favour of the 5th respondent as Lecturer in History in the place of the petitioner as illegal, arbitrary and contrary to the orders passed in W.A.No.243/2002 dated 27-3-2002 and Review WAMP No.2681/2003 in

W.A.No.243/2002, dated 23-1-2004 and consequently set aside the same, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CHINDAM.PRATAP

Counsel for the Respondent Nos 1 and 2 : GP FOR EDUCATION

Counsel for the respondent No.4: Mr. L.V.S. Nagaraju.

The Court at the admission stage made the following O R D E R:

The petitioner is working as a part-time lecturer in History in the third respondent-institution. He is a male candidate, belonging to Scheduled Caste-B category. The third respondent-institution issued a notification on 01-07-2001 calling for applications for filling up of the post of lecturer in History, reserved for Scheduled Caste-A category women candidates. Since, there was no woman candidate from Scheduled Caste-A category, they issued another notification on 17-08-2001 mentioning the eligibility criteria as Scheduled Caste-B or Scheduled Caste-C women candidates, in the event of non-availability of Scheduled Caste-A women candidates. Accordingly, they passed the impugned order, appointing the fifth respondent, who belongs to Scheduled Caste-C category, as a lecturer in History in the said institution.

The petitioner challenged the first notification in W.P. No. 17721 of 2001 and the learned Single Judge of this Court directed that the selection shall be subject to the result of the writ petition. A Division Bench of this Court also passed an order with a little modification, but there was no embargo imposed on the third respondent-institution to fill up the post of the lecturer in History from among the Scheduled Caste-A, B or C category women candidates. The writ petition filed by the petitioner, challenging the notification, is pending before this Court. Since the appointment of the fifth respondent is only subject to the result of the said writ petition, it may be desirable for the petitioner to agitate in the said writ petition and get appropriate remedy in it.

Since the impugned order is not tainted with any illegality, there shall be no interference of this Court by invoking extraordinary jurisdiction through this writ petition.

The writ petition is accordingly dismissed. No order as to costs.

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28-07-2004

Note:Furnish C.C in two days

b/o

vrn

To

1 The Director of Collegiate Education, Government of A.P.,

Hyderabad

2 The Regional Joint Director of Collegiate Education,

Government of A.P., Rajahmundry

3 Two C.Cs to the Government Pleader for Education,

High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D. copies